960327

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(See Issuing Division below)

PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the Permittee upon acceptance of the permit.

Permit No. 1200-02-0009.1 020001 WFD, CWP, 020002 FWIP	Application No.	
Issuance Date December 4, 2002	Effective Date Same as issuance date	Expiration Date December 4, 2007

Name and Address of Applicant	Name and Address of Owner	Name and Address of Operator
New Jersey Department of Transportation Attn: Mr. Nicolas Caiazza P.O. Box 600 Trenton, NJ 08625	NJ Department of Transportation Attn: Nat B. Kasbekar P.O. Box 600 Trenton, NJ 08625	Owner
Location of Activity/Facility *(Street Address)* Route 35 Victory Bridge over Raritan Rr. City of Perth Amboy and Borough of Sayreville Middlesex County	**Issuing Division** Land Use Regulation Program	**Statute(s)** NJSA 13:9-1 NJSA 13:9B-1 NJSA 12:5-3 NJSA 13:9A-1

Type of Permits: Waterfront Development, Freshwater Wetland Individual Permit, and Coastal Wetlands	Maximum Approved Capacity, if applicable

This permit authorizes:

1) The replacement of Route 35 Victory Bridge with a new high rise structure and the dismantling of the existing structure over the Raritan River.

2) Construction of temporary access roads within the bed, mudflats, freshwater and tidal wetlands of the Raritan River to provide access for the construction of piers and demolition of the existing structure.

3) Relocate the access drive to the Hess Corporate Reserve Terminal and reconstruct the Smith Street intersection.

The 0.42 acres of freshwater wetlands, and 0.65 acres of tidal wetlands to be temporarily impacted by the construction access roads and construction activities will be restored at a 1:1 ratio. Permanent impacts to 0.73 acres of freshwater wetlands, and 0.02 acres of tidal wetlands will have lost functional values and are to be replaced by means of a wetland site development in the Borough of Sayreville. A Water Quality Certification is provided as part of this authorization.

Previous authorizations for the subject project included:

Letter of Interpretation	No. 1200-97-0002.1
Waterfront Development Permit	No. 1200-97-0002.2
Tidal Wetland (1970) Permit	No. 1200-97-0002.3
Individual Freshwater Wetland Permit	No. 1200-97-0002.4

Issuance of this permit is in no way construed as a relinquishment by the State of New Jersey of any tidelands right, title or interest in the subject property or in any land surrounding it.

This permit is authorized under and in compliance with the applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.) and applicable Freshwater Wetlands Rules (N.J.A.C. 7:7A-1.1 et seq.), provided permit conditions contained herein are met.

The Permittee shall allow an authorized representative of the Department of Environmental Protection the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b) 4.

The plans hereby approved shall consist of the set of 206 sheets of drawings entitled "State of New Jersey Department of Transportation Plans for **ROUTE 35 (1953) VICTORY BRIDGE** from the Vicinity of Victory Plaza Circle to Fayette Street Construction Completion Contract CONTRACT NO. 051960327A GRADING, PAVING, AND STRUCTURES **PART 1 OF 4,**" prepared under the direction of Jose Rodrequez, P.E., for Figg Bridge Engineers and Dennis O'Brien, N.J.P.E. for Vollmer Associates and dated 7/17/02.

Sheet 1 is further identified as "Key Sheet,"
Sheets 2-7 are further identified as "Estimate of Quantities,"
Sheets 8-12 are further identified as "Typical Sections,"
Sheets 13-14 are further identified as "Plan Sheet Index & Boring Locations,"
Sheets 15 is further identified as "Standard Legend and General Notes."
Sheets 16-26 are further identified as "Construction Plans,"
Sheets 27-51 are further identified as "Environmental Plans",
Sheets 52-55 are further identified as "Profiles,"
Sheets 56-58 are further identified as "Ties,"
Sheets 59-63 are further identified as "Soil Improvement Plans,"
Sheets 64-74 are further identified as "Grades,"
Sheets 75-106 are further identified as "Traffic Control and Staging Plans,"
Sheets 107-117 are further identified as "Drainage and Utility Plans,"
Sheets 118-128 are further identified as "ITS Plans,"
Sheets 129-144 are further identified as "Electrical Plans,"
Sheets 145-152 are further identified as "Electrical Details,"
Sheets 153-154 are further identified as "Traffic Signal Plans,"
Sheets 155-165 are further identified as "Landscape Plans,"
Sheets 166-170 are further identified as "Landscape Details,"
Sheets 171-175 are further identified as "Traffic Striping and Signing Plans,"
Sheets 176-180 are further identified as "Construction Details,"
Sheet 181 is further identified as "Method of Cross Sections,"
Sheets 182-206 are further identified as "Cross Sections."

Prepared by: William Mc Laughlin
William Mc Laughlin, Project Manager

Revised Date	Approved by the Department of Environmental Protection
	Name (Print or Type) Robert N. Cubberley Title Environmental Scientist 2
	Signature SEE FINAL PAGE Date

**The word permit means "approval, certification, registration, etc."*

(General Conditions are on Page three)

Permit Authorization General Conditions

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.

2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.

3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.

4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.

5. The granting of this permit shall not be construed to, in any way, affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.

6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.

7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.

8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

ADMINISTRATIVE CONDITIONS

Prior to initiation of site preparation for the following conditions:

1. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land use Regulation program immediately thereafter.

2. The stipulations of the Memorandum of Agreement between the Federal Highway Administration and the New Jersey State Historic Preservation Officer dated 8/7/97 and signed by Dorothy P. Guzzo, Deputy State Historic Preservation Officer and Timothy F. McGough, Director, Division of Project Management NJDOT shall be carried out prior to any demolition of any elements of the Route 35 Victory Bridge over the Raritan River.

3. The applicant shall coordinate with the NJDEP's Site Remediation Program to evaluate the results of any sampling program for contaminated soil, and to meet the requirements of applicable laws that correlate to the disposal and/or reuse of the excavated soils, sediments, and elutriate from dewatering operations in areas identified as a result of the sampling program.

4. The applicant shall submit a plan showing the final design of the temporary construction access roads. The details of the temporary access roads shall include the provision of suitable size cross culverts where tidal flows provide for the passage of fish through the area of temporary roads. A restoration plan shall be provided with the plant species proposed and method of installation for the timely stabilization of areas upon removal of the temporary road materials.

5. This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625.

6. PRIOR TO ANY CONSTRUCTION ACTIVITIES, the Permittee must obtain a Department of the Army authorization. You are advised to contact the New York District at (215) 656-6728.

7. PRIOR TO ANY CONSTRUCTION ACTIVITIES, the Permittee must obtain approval for the project from the U.S. Coast Guard.

8. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by approved drawings, including those to be submitted for the temporary roads. Such use of regulated areas applies to the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit. **Creosote treated timbers shall be handled in a manner that will protect wetlands or transition areas from contamination during removal for proper disposal.**

9. In order to avoid degradation of the water quality in the streams receiving stormwater runoff from the project roadways, the stormwater management system shall require periodic inspections and maintenance. The Permittee is advised to conduct additional inspections, and maintenance of inlets as necessary following major storm events.

10. The project must meet the NJ Soil Erosion and Sediment Control Standards. The applicant shall be responsible for daily inspections of the project area to determine if the erosion control measures are functioning as intended.

11. Any acid soils encountered must be stockpiled separately from non-acid soils as excavation proceeds. Acid soils, if present must be handled in accordance with the NJDEP Stream Encroachment Technical Manual, Section 3.6, and the requirements of the local National Resource Conservation District.

12. Construction vehicle traffic shall be minimized in wetlands and wetlands transition areas to be temporarily disturbed. No storage of chemicals, oil, fuel or refueling of equipment shall occur within 100 feet of the wetlands along the project route.

13. Section 106 coordination with the NJDEP Historic Preservation Office should be completed prior to construction.

14. All necessary tidelands conveyances must be obtained prior to construction.

MITIGATION CONDITIONS:

The following special conditions must be met for the activity to be authorized under these permits:

15. Mitigate for the permanent loss of 0.75 acres of wetlands through an off-site creation/enhancement project as detailed below.

16. Mitigate for the loss of 1.5 acres of emergent wetlands through an on-site restoration project as required by condition 4.

a) The permittee shall complete and sign the Department approved conservation restriction for the mitigation site (copy attached). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.

b) The mitigation designer must be present during critical stages of construction of the restoration project this includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection to ensure the intent of the mitigation design and their predicted wetland hydrology is realized in the landscape. Mitigation designs are not static documents and changes may be necessary to ensure success of the project.

c) Immediately following final grading of the restoration site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Department this activity has occurred prior to planting of the site.

d) Immediately following the final grading of the restoration site and prior to planting, the permittee shall notify the Program for a post-grading construction meeting between the permittee, contractor, consultant and the Program.

e) Immediately following final grading and planting of the wetland restoration project, the permittee shall notify the Land Use Regulation Program, in writing that the construction of the mitigation project has been completed in accordance with the approved plan. Any deviations from the approved plan must be identified and explained to the Program for our review and approval. In addition to the notice, the permittee shall submit as built plans of the site and photos with a photo location map of the completed project.

f) If the Program determines that the restoration project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Program until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan and all soil has been stabilized and there is no active erosion.

g) The permittee shall monitor the wetland creation/enhancement and restoration project sites for 5 full growing seasons if it is a proposed forested wetland and for 3 full growing seasons for a scrub/shrub or emergent wetland after the mitigation project has been constructed. The permittee shall submit monitoring reports to the Land Use Regulation Program no later than November 15th of each monitoring year (All monitoring report must include the standard items identified in the attachment and the information requested below).

h) Throughout the monitoring period, the permittee must eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site.

i) All monitoring report will include all the following information (see attached monitoring report checklist):

   i. The monitoring reports submitted prior to the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a

time frame in which they will be completed. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);

ii. The monitoring reports submitted prior to the final one must include documentation that the site is progressing towards the 85 percent survival and percent areal coverage of mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. If the permittee is finding problems with the mitigation project and does not anticipate the site will or has achieved the 85 percent survival and 85 percent areal coverage criteria then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. Documentation to demonstrate the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmities australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifloia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifloia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose). If the site is more than 10 percent occupied by invasive or noxious species then the monitoring report must include a proposed remediation plan and a time frame in which it will be completed.

iv. Demonstrate through soil borings and a soil test that a minimum six inch layer of top-soil or A-Horizon was used/retained on the mitigation site and if the natural top-soil was used at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials. If the site fails to meet this standard the monitoring report must include a proposed remediation plan and a time frame in which it will be completed. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil; and

v. The monitoring reports submitted prior to the final report must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

j) Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows acres of emergent/scrub shrub/forested wetlands have been created/restored/enhanced;

ii. The site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. The site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifloia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifloia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multifonia* (Multiflora rose);

iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

v. That the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

k) If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure. The financial surety, if required, will not be released by the Program until such time that the permittee satisfies the success criteria as stipulated in item (j).

l) The permittee shall assume all liability for accomplishing corrective work should the Program determine that the compensatory mitigation has not been 100% satisfactory. Remedial work may include re-grading and/or replanting the mitigation site. This responsibility is incumbent upon the permittee until such time that the Department makes the finding that the mitigation project is successful.

TURBIDITY AND SEDIMENTATION CONDITION

17. PRIOR TO COMMENCEMENT OF DEMOLITION OF ANY PORTION OF THE EXITING BRIDGE AND ITS SUPPORT STRUCTURE INCLUDING THE PIER AND FENDER SYSTEMS, the Permittee is required to provide a demolition plan for review by the NJDEP that shall include the following: 1) a shield to prevent falling material from entering the water during removal of the superstructure, 2) details of pile and pier removal to include removal below the mud line, 3) A turbidity barrier/silt curtain will be placed around all work areas. 3) a survey to verify the absence of any peregrine nesting attempt on the Victory Bridge before work is started after March 1 and before July 30 of any year, 4) Coordination with NJDEP to determine what if any construction debris may be appropriate for disposal at sea as part of NJDEP's Artificial Reef program.

18. PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES in wetlands, State open waters, or buffer areas, the permittee shall provide a Soil Erosion and Sediment Control plan that will provide for the following conditions or equivalent measures to ensure protection of regulated areas from turbidity and sediment transport from construction areas.

    a) Turbid water from cofferdam and/or abutment construction will be contained and dewatering will be routed for filter control and discharged to areas that are encompassed by floating turbidity barrier.

    b) Any temporary dewatering basins shall be sized to provide retention of water for sufficient duration to ensure settling of suspended particulates prior to return discharge. The return water will be discharged to an area of the waterway that is encompassed by turbidity barrier.

    c) Equipment in the wetland areas shall work from timber matting or temporary fill placed on geotextile fabric to eliminate the resuspension of sediment from wheels or treads.

    d) Connection between the regraded wetland restoration sites and their supporting waterways shall be made last after all grading work is completed so that the discharge of turbid water is minimized.

PHYSICAL CONDITIONS

19. All temporarily disturbed areas shall be planted to permanently stabilize the soil and enhance the environment. Virginia Kopkash can provide information on the appropriate mixture based on the planting date and drainage.

20. In order to protect the anadromous fish run during migration and spawning down stream within the watercourse, any proposed in-water work associated with the four piers closest to the navigation channel is prohibited from **April 1 thru June 30 of each year**. Work within properly constructed cofferdams may be conducted during this time restriction provided dewatering and other activities do not result in increases in turbidity beyond background levels of the stream. The Department reserves the right to suspend all regulated activities on site if it is determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

21. All excavated materials must be disposed of at an approved site. Under no circumstances is excess material to be disposed of in wetlands, transition areas to wetlands, stream corridors, or other environmentally sensitive areas. Any material considered by the Department to be a toxic or hazardous material must be disposed of at a NJDEP approved facility.

22. The Permittee shall maintain all soil erosion and turbidity controls for the life of the project. All controls must be in place prior to any construction activities. The silt fence with wire backing shall be placed at the limits of land disturbances.

23. The Permittee shall monitor for suspended sediments in the water column on a daily basis when construction/demolition and dewatering is taking place. If a sediment plume is detected, then the project must cease until more appropriate preventative measures are put in place.

24. Raw uncured concrete is toxic to fish and other aquatic organisms, therefore raw uncured concrete, or concrete effluent, must not come in contact with the waters of the Raritan River and its tributaries.

25. Two (2) peregrine falcon platforms are to be provided on the superstructure for future potential nesting.

26. Pier fender systems and other structure components shall not be made of timber chemically treated with toxic materials such as creosote or other toxic preservatives. Suitable materials for use in aquatic systems include polymer composite materials.

With adherence to the above permit conditions, this project is considered to be consistent with the Coastal Zone Management Rules (N.J.A.C. 7:7E 1.1 et seq.).

Robert N. Cubberley, Environmental Scientist 2
Land Use Regulation Program

December 4, 2002
Date

WMcL

C: Bureau of Enforcement
Section Chief, Middlesex County
Borough of Sayreville Municipal Clerk
Borough of Sayreville Planning Board
City of Perth Amboy Park Municipal Clerk
City of Perth Amboy Park Planning Board
Middlesex County Planning Board